C. N11 Will Provide Ubiquitous Access to Critical Traffic, Transit and Traveler Information.

As the section above describes, there are a plethora of traveler information services available by phone. However, even a cursory review of the list of these numbers found at Appendix 7 identifies the problem: multiple and confusing telephone numbers for these services across the country. This polyglot of differing telephone numbers prevents the public from realizing the greater benefits that a nationwide N11 number would provide.

To best show the conditions faced by the traveling public, it is perhaps easiest to describe a sample trip itinerary and the differing telephone numbers the public could access along this route. A passenger vehicle or commercial truck traveling on Interstate-95 from Virginia to Maine could call eleven different numbers to learn local travel conditions along the highway through these states.[36] Below is a map and list of these numbers moving northbound along Interstate-95 from Virginia to Maine:

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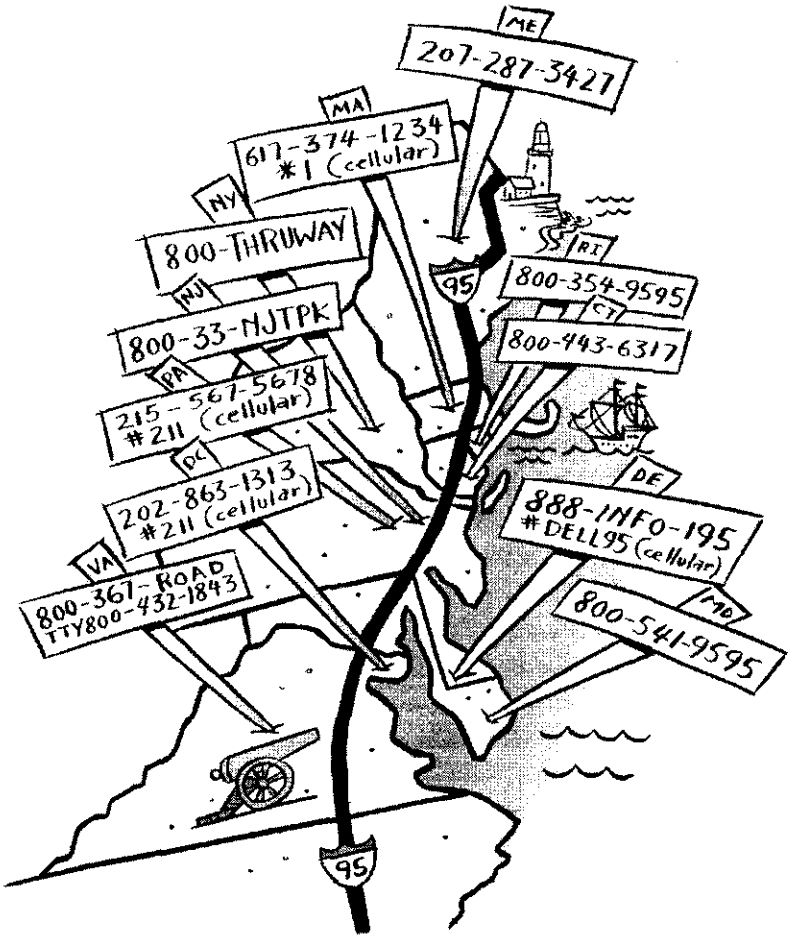
36 U.S. DOT Petition at 18.



- Virginia: 800-367-ROAD (800-432-1843 TTY)
- Washington, DC: 202-863-1313 (#211 cellular)
- Maryland: 800-541-9595
- Delaware: 888-INFO-195 (#DEL95 cellular)
- Metro Philadelphia: 215-567-5678 (#211 cellular)
- New Jersey: 800-33-NJTPK
- New York: 800-THRUWAY
- Connecticut: 800-443-6317
- Rhode Island: 800-354-9595
- Metro Boston: 617-374-1234 (#1 cellular)
- Maine:207-287-3427

A frequent traveler on, for example, Interstate-95 through Baltimore could be expected to know what number to call for local traffic conditions along that portion of the highway. However, even assuming that there are sufficient signs along Interstate-95 advertising the existence of these eleven numbers, it is unreasonable to expect the majority of travelers to know and remember the correct phone number crossing from one state to the next -- assuming that these numbers work across state lines, which many of them do not -- or even approaching known congestion areas, such as the George Washington Bridge across the Hudson River in New York City or the toll plazas for the Fort McHenry Tunnel in Baltimore, and would want to take alternate routes.

Moreover, there is no consistent pattern across these eleven numbers. Seven are toll free, but not all use the "800" designation; the remaining four are preceded by the local area code. Nine use some form of mnemonic device such as "I95," "ROAD," repetition such as "1313" or a simple order like "1234." Clearly, the transportation agencies sponsoring these phone numbers have tried to make it easier to remember and access their own services, but, in spite of these good intentions, they have created an inconsistent and conflicting pattern of telephone numbers that actually works to defeat these laudable goals. This and similar situations are repeated across the country.[37]

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[37] Although a rural town of only 40,000 residents, Branson, Missouri receives annually close to 6 million visitors to its many music theaters and other tourist attractions. The Missouri Department of Transportation provides a number (877-4TRIPINFO) to provide information on local traffic conditions. However, this service averages only 30 calls per month. Surely, call volumes would greatly increase if the 6 million annual tourists could access this service through a national, N11 number. *See* Appendix 7.

As described earlier, the National ITS Architecture has been designed as the blueprint for national interoperability of ITS systems across the country. This blueprint, therefore, will enable ITS to be deployed in such a way that the traveling public encounters a seamless pattern of applications as one moves across the country. The sample itinerary up Interstate-95 illustrates the current lack of interoperability for ATIS services between markets, and the resulting chaos confronting the public. The requested N11 designation is critical to creating a seamless ATIS network and eliminating this chaos. Moreover, this confusion defeats the Congressional goals of national interoperability and integration for ITS. It is now up to the other branches of the federal government, including both the U.S. DOT and the FCC, to make this goal a reality. An N11 designation is critical to this effort.

III. NO DELIVERY MECHANISM OTHER THAN N11 CAN SATISFY THE PUBLIC NEED FOR TRAFFIC, TRANSIT, AND TRAVELER INFORMATION.

The benefits of traffic, transit, and travel information can be fully realized only by the assignment of a nationwide standard abbreviated dialing number. At present, whether commuting within a city or traveling across interstate regions, people must learn an increasing proliferation of telephone numbers to gain access to valuable information. Furthermore, because access to travel-related information requires the use of different telephone numbers, travelers are less likely to access information intended to warn travelers of an existing bottleneck on a highway or an emergency situation ahead, such as an environmental hazard. In this highly mobile society, an N11 assignment for travel information would be highly recognized, easily understood, and widely used on a national basis. A single, nationwide N11 number (much like 311, 411, and 911) is likely to promote user acceptance and encourage greater use of

traveler information systems, which in turn will reduce traffic congestion, increase transit use and promote public safety.

A. N11 is the Most Effective Means for Disseminating Traffic, Transit, and Traveler Information.

The industry survey, at Appendix 7, conducted by the Joint Commenters fully confirms that an N11 assignment would be, by far, the most effective and the fairest means for delivery of critical traveler information. The N11 service would be available to the entire traveling public, and would not be limited only to those who subscribe to wireless or other premium information services. In addition, the N11 number would be easier to recall, universally understood, and, therefore, more likely to increase usage than a seven and ten-digit number or other dialing arrangements.[38] Just as the N11 numbers that have become part of our national knowledge base (*e.g.*, 411 and 911), travelers will soon come to rely on an N11 number to access traffic, transit, and travel information anywhere in the country. ITS America, APTA, and AASHTO believe that the benefits realized by the easy availability of ATIS information by dialing an N11 number are sufficiently significant to justify the assignment of what the parties recognize is a scarce and valuable resource.

A uniform N11 number would serve to reduce confusion and frustration over the plethora of numbers in different cities and states. As the Commission has recognized, "dialing schemes

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38 "For example, over the last ten months, a period in which the Cincinnati/Northern Kentucky ATIS system began to use such a code (211), call volume doubled from 50,000 to 100,000 calls per month." DOT Petition at 17 (citing ITS America News, Vol. 8 No. 9, at 2 (Sept. 1998)).

of different lengths . . . can lead to customer confusion."[39] Important traveler information, while currently available in most states, is underutilized because of the myriad numbers that a traveler must employ to obtain needed information and because some systems are available only on a limited basis, for example, to wireless subscribers. Yet, the obvious benefits of improving the timeliness and quality of traveler information generally available are compelling, and include improved roadway safety, enhanced mobility, lessened congestion and increased transit use. These are all important goals of the ITS program as established by Congress in ISTEA and confirmed in TEA-21. The immediate availability of information about alternate routes can also assist vehicles (police, fire, and ambulance) respond more quickly to emergency situations. Further, passersby and new residents are almost guaranteed to be uninformed about the specific services a locality may offer because of confusion over numbers. The availability of a national N11 number, however, will serve to alleviate this confusion.

As set forth herein, the existing traveler information systems throughout the United States are a critical resource for ensuring the successful rollout of a traveler information N11 system.

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[39] *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangement, CC Docket No. 92-105*, Notice or Proposed Rulemaking, 7 FCC Rcd 3004, 3005 (1992). In assigning 711 for TRS access, the Commission recognized the value of uniform access to important information:

> Some deaf, hard of hearing, and speech disabled people in the Washington, DC metropolitan area alone need to remember several different 202 and 800 area code numbers for TRS access in the District, Maryland, and Virginia, as well as dedicated numbers for federal . . . . Voice TRS users need to remember entirely different access numbers in the District and Virginia, and separate dedicated numbers for federal government employees and for long distance access. And those who travel must carry with them TRS numbers for other states. It is an undesirable state of affairs, one that will greatly alleviated by this Commission action.

These existing systems, albeit ones based on a diverse set of delivery mechanisms, provide a critical mass of dedicated infrastructure, trained personnel and informed users that may take almost immediate advantage of the requested N11 assignment. Moreover, existing industry organizations like ITS America, APTA, and AASHTO will provide needed resources for industry coordination and issue resolution.

B. Other Delivery Mechanisms for Traffic, Transit, and Traveler Information Are Not as Effective as N11.

ITS America, APTA, and AASHTO strongly believe that an N11 assignment for ATIS information in this case is in the public interest. As stated above, N11 provides people an option that is simple to remember, easy to dial, and faster than seven or ten-digit numbers. Other alternatives such as a three-digit numbers like "222," "XX#," "*XX," a 555 prefix, a seven-digit number, an 800 or 900 number are neither practical nor effective options for interoperable access to ITS user services. These alternative dialing formats present barriers to implementation and interoperability because of cost, public perception, technical feasibility, and code availability.

The purpose of an N11 number is to establish a national number that is easy to remember and is not likely to cause caller confusion. In opposing the assignment of 311 for non-emergency calls, some parties had argued that alternatives such as a three digit number without "11" as the last two digits (such as 222), an 800 number, or a seven digit number were also available. The Commission rejected this argument, finding that a number other than N11 is antithetical to the basis for such an assignment – *i.e.*, an N11 is superior to other alternatives because it is easy to use and easy to remember. The Commission stated:

> [s]ome of the concerns that lead certain parties to suggest alternatives . . . are the same reasons that have led us to find an N11 number superior to those alternatives: namely, the similarity to 911. While it may be technically feasible to implement the alternative above, the similarity between an N11 number and 911 will make the non-emergency number both easy to remember and easy to use, thus resulting in greater reduction of non-emergency calls on 911 circuits.[40]

The Commission has also recognized that other abbreviated dialing arrangements, such as "XX#" or "*XX," are not a desirable alternative because these arrangements might require substantial time to implement and can be expensive.[41] Furthermore, if "#" were required in an abbreviated dialing arrangement, dialing could not occur from millions of rotary telephones still in service. Additionally, "#" and "*" are used today to activate switch capabilities, rather than for customer dialing.[42]

Cost, public perception, technical feasibility, and code availability are at least four factors that make the 555 prefix an undesirable option for ATIS information. It is, therefore, no wonder why only two regions have operational 555 prefixes today. Additionally, use of 555 would cause confusion. Most people associate 555 either as prefix for directory assistance or a non-existent number that is often used in television programs and movies. A three-digit N11 number for ATIS information would be easily recognizable, simple to remember, and would develop credibility with the public without necessitating an extensive educational effort. Furthermore, most regional phone companies have not upgraded their switches to accommodate 555 numbers.

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40 *N11 First Report and Order*, 12 FCC Rcd at 5597.

41 *Id.* at 5608.

42 *Id.*

In these regions, when 555 is dialed, the call defaults to 555-1212, the number used for directory assistance. There would be also be resistance on local carriers to upgrade their switches to accommodate 555 numbers, which potentially could result in endless battles between state and local governments and local exchange carriers.

Furthermore, the use of 800, 900, and multiple local numbers do not provide consistent and useful access to information and services. The use of an 800 or 900 number will only add to the cost of making information available, serving as a deterrent to implementation. As the illustration of the Interstate-95 corridor from Virginia to Maine reflects, there are eleven different telephone numbers that must be called to obtain traffic and transit status. Most people do not know what number to use to access this important information along this corridor, and a uniform N11 number would certainly increase awareness and usage of traffic and transit information.

Existing 911 access to emergency services is a success because the number is easy to remember and is being deployed consistently nationwide. DOT's Petition provides a real situation concerning problems associated with the use of a seven-digit number and 800 number:

> [Metropolitan Transportation Commission of San Francisco Bay Area or "MTC"] has been successful in obtaining a common seven-digit number (817-1717) in all four area codes in this region (408, 415, 510, and 707). MTC reports to DOT that reserving the same number in all California area codes would result in a significantly lower operating costs than using a 1-800 number (these costs are paid out of public funds from the state transit assistance program). Unfortunately, these area codes are scheduled to be split due to the growth of portable phone use in the region, and the California-Nevada Code Administration has informed MTC that it cannot reserve that number for Pacific Bell. The MTC is now faced with the reality that it may have to move from a uniform number over a relatively broad geographic region to multiple phone numbers in the same geographic area. This will entail the usual costs associated with re-educating the public,

and experience suggests that use of ATIS services will likely decline, to the public detriment.[43]

Furthermore, as U.S. DOT points out in its Petition, the proliferation of communications companies and media is another factor compounding the difficulties in promoting ATIS use in the absence of a national N11 number. U.S. DOT observes that the "introduction of new wireless carriers combined with deregulation of local exchanges have created a situation where ATIS providers must undertake negotiations with many individual carriers in every market." ITS America, AASHTO, and APTA agree with U.S. DOT that without a national assignment for access to ATIS, the nationwide, interoperable access to ITS user services envisioned by Congress will be greatly impeded.[44]

IV. AN INFRASTRUCTURE ALREADY EXISTS FOR IMPLEMENTATION OF N11 FOR TRAFFIC, TRANSIT, AND TRAVELER INFORMATION.

If the Commission makes available the requested N11 number, there can be little doubt that it will be used by the transportation community. Already, there are significant deployments of traffic, transit and traveler information services across the country, and all despite the lack of an N11 number. State and local transportation officials, and more than 300 transit agencies in forty metropolitan areas, have recognized the significant benefits to be gained from deploying an ITS infrastructure to collect and communicate real-time traveler information. Federal, state and local funds, as well as private sector investment, are already being applied to make ATIS services a reality in many areas. Switching to a uniform N11 number would often be only a

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43 U.S. DOT Petition at 18.

matter of re-routing currently existing numbers and educating the public of the new number. While many areas will have to sort out the roles and responsibilities of state and local governments and the commercial sector in directing calls to the right source of information, the technical and financial support is already in place.

A. State and Local Public Officials will be Responsible for Implementing an N11 Assignment for Traffic, Transit and Traveler Information.

There are several possible models available for the national implementation of an N11 number. The country's experience with the development of 911 for access to emergency services is one such model. Regardless of what model is ultimately followed, it is clear that there are already ongoing efforts by institutions and industry to deploy ATIS services. A cursory review of the many ATIS services and their phone numbers listed at Appendix 7 evidence this fact. It should be made clear, however, that in every instance to date it is state and local governments that retain the ultimate authority over ATIS services and phone numbers. ITS America, APTA, and AASHTO believe that the FCC should play an important advisory role, but there is not a need for it to establish national deployment standards. Technical issues for implementation need not be addressed by the Commission. In addition, national transportation organizations, such as the Joint Commenters, could provide coordination assistance to ensure the successful implementation of an N11 for traveler information services.

Transportation decisionmaking is decentralized. It is local and state officials who determine what problems need to be solved and how to solve them. Decisions to utilize an N11

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[44] *See id.* at 19. *See also* TEA-21, at §§ 5206(a)(2), 5206(e)(1), and 5208(a).

number for traveler information services are expected to be made by these same state and local transportation officials. And this has been the pattern to date. Transportation officials "closest to the ground," so to speak, are in the best position to determine if an ATIS service makes sense, how such a service gets deployed and what services are best responsive to meet local needs and conditions. For example, local traffic patterns between Cincinnati and Northern Kentucky, where the airport serving Southern Ohio is located, compelled the Kentucky Transportation Cabinet and the Ohio Department of Transportation, along with city and county officials in this area, to cooperate across state lines in developing the ARTEMIS Traffic Information Service. Similarly, in New York City, transportation officials have reached out across three state borders – New York, New Jersey and Connecticut – to establish their regional ATIS service as part of the overall ITS deployment effort called TRANSCOM. As this region includes over 35% of all transit riders in the nation, transit rail and bus information is particularly important to the local traveling public.

It is also true that the private sector is playing a growing role in providing ATIS services. SmartRoute Systems, one such private provider, is already operating in eight major cities, with several more to come on line before the end of the year. In each case, public agencies determine whether to deploy an ATIS service and they types of service to be made available. SmartRoute Systems' business model calls for partnering with public transportation agencies to help government deliver better services to its customers, the traveling public. Future deployments are not expected to differ significantly.

B. Funding Exists for N11 Implementation.

Transportation funding is similarly decentralized. Federal, state and local transportation funds, as well as private sector contributions, have all been utilized. Beginning with the passage of ISTEA in 1992, federal transportation funding has been available to support ATIS deployments. First, in 1996, four metropolitan areas -- Seattle, Phoenix, San Antonio and New York -- each received dedicated ITS funds as Model Deployment Initiatives sites to showcase the deployment of integrated ITS applications. Each project includes ATIS services as part of an overall effort to improve local transportation conditions through ITS. Second, general transportation funds from a program to improve air quality by reducing congestion, called the Congestion Mitigation and Air Quality Improvement program ("CMAQ"),[45] have been used by local transportation agencies, such as the Metropolitan Transportation Commission for San Francisco and Oakland, for ATIS services.

TEA-21 has expanded the availability of federal transportation funds for ITS, including ATIS services. For example, the legislation provides some $680 million over six years for the deployment incentive program for ITS projects in metropolitan and rural areas, and for commercial vehicle operations. Eligible spending items include ATIS services. More significantly, TEA-21 opened up additional general transportation funds for ITS. These other programs are the billion-dollar, block grant funds of federal gas taxes that are returned to the states. For example, the National Highway System program provides $28.5 billion to the states over the six years of TEA-21. Similarly, the Surface Transportation Program will return $33

billion under TEA-21 to the states, and the CMAQ program provides an additional $8 billion.[46] TEA-21 changed the definitions of eligible spending items for these three transportation programs to encompass ITS projects, including ATIS services.[47] All of these programs also require state or local matching funds of 20% to 50% in order to qualify for federal transportation funds.[48]

Although TEA-21 was passed only one year ago, it is already possible to see that states and local transportation agencies are using these general transportation funds for ATIS services. For its TravInfo ATIS program in San Francisco and Oakland, the Metropolitan Transportation Commission uses its own operating funds from local sources as well as federal CMAQ funding. In the San Diego area, the regional ATIS deployment is also supported by CMAQ funds and local matching funds. Kentucky and Ohio's ARTEMIS traveler information program similarly draws on federal CMAQ funding. ITS America, AASHTO and APTA concur that more of these federal transportation dollars will go to ATIS services in the remaining years of TEA 21.

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45 23 U.S.C. § 149.

46 Funding projections under TEA-21 are available at the U.S. DOT Internet web site at "www.fhwa.dot.gov/tea21/index.htm."

47 *See* TEA-21, at §§ 1108(a)(7), 1106(b), and 1110(b)(6).

48 *Id.* at § 1111.

C. N11 for Traveler Information Services can be a Key to Unlocking Enhanced 911 Deployment.

Currently, more than 76 million Americans carry mobile wireless phones.[49] The FCC, recognizing the potential safety benefits from this virtual army of new callers, mandated that wireless carriers be capable of relaying caller location information – within 125 meters – for emergency calls by October 1, 2001.[50] This is commonly referred to as Enhanced 911 ("E-911"). For a variety of reasons, E-911 deployment has not moved forward as quickly as the Commission had hoped. An earlier deadline required carriers to provide the location of each cell site and sector, as well as the telephone number of the device dialing 911, by April 1998. Our information indicates that estimates show that only 7 to 11% of the country has completed this phase of the geolocation mandate, more than a year after the FCC's deadline.

The Joint Commenters suggest that if the Commission makes an N11 designation available for traveler information services, E-911 could become a reality. At ITS America's most recent annual meeting in April, three E-911 location vendors explained how their technical solutions not only provide latitude and longitude for individual phones, but can also provide velocity and direction for aggregates of wireless phones within a given geographic area, *i.e.*, real time traffic information. This is generally referred to as the "vehicles-as-probes" concept. If the location, speed and direction of cars carrying wireless devices, such as cell phones, can be pinpointed throughout the transportation network, traffic managers can measure the velocity and

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49 *See* Cellular Telecommunications Industry Association Internet web site at "http://www.wow-com.com" (this information is current as of July 16, 1999).

direction of travel on all roadways with the service area. Aggregates of this information can be provided to transportation managers so they can see traffic patterns and manage traffic congestion more efficiently. Moreover, inexpensive Automatic Vehicle Location devices or mobile phones on municipal vehicles – police, fire, buses, etc. – can provide additional data points. Disseminating this traffic information back to the traveling public and emergency response units through an N11 number will help them avoid traffic delays, reduce congestion, and, during emergencies, arrive at the scene more quickly.

Federal, state and local governments have been investing millions of dollars deploying sensors, cameras and other devices to monitor, collect and transit real-time traffic data. But because of the high capital, operations and maintenance costs associated with installing this infrastructure, most transportation agencies have concentrated their efforts on major freeways and commuter routes, providing useful, but limited, data. Consequently, once a vehicle exits this system, it enters a "black hole" of traffic data. E-911 solutions hold the promise of eliminating this data gap in many situations.

The Joint Commentators posit that an alliance between the E-911 and the traffic management communities could benefit both efforts, especially for funding. Typically, E-911 is being funded by monthly fees on wireless subscribers. More than 30 states now have some level of E-911 fee; yet they are short of the funds necessary to install geolocation. Can these budgets be combined? Transportation agencies and their customers – that is, the traveling public – have shown that they will pay for the collection and dissemination of real-time traveler and traffic

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50 *See E911 First Report and Order*, 11 FCC Rcd at 18682-84.

information. Consequently, there may be viable business opportunities for those charged with implementing E-911 to install this location technology for purposes beyond its original intent.

V. THE GRANT OF AN N11 ASSIGNMENT FOR TRAFFIC, TRANSIT, AND TRAVELER INFORMATION WOULD BE CONSISTENT WITH EXISTING COMMISSION PRECEDENT AND IS JUSTIFIED.

The assignment of an N11 for use by state and local governments in the delivery of traffic, transit, and travel information to the public is consistent with existing Commission precedent and is justified. The assignment would advance the goal of Congress and the Administration of improving the national transportation infrastructure through intelligent transportation systems rather than just through traditional roadbuilding programs. Further, ITS America, APTA, and AASHTO concur with DOT that the assignment of a uniform, easily remembered, abbreviated dialing code is essential in implementing Congressional mandates under ISTEA and TEA-21.[51]

The assignment of a national uniform N11 code clearly serves the public interest because users would know that they can dial this code from virtually any exchange, and from practically any street or highway in the country. The ready availability of such important traveler information would serve to promote public safety and facilitate transportation efficiency. Moreover, an N11 number's virtual ubiquity and eventual nationwide status as the phone number to use for quick and easy access to travel-related information supports granting an N11

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51 In TEA-21, Congress directed DOT "[t]o the maximum extent practicable" to "promote interoperability" among ITS services nationwide through standards and rulemakings." *TEA-21*, at §§ 5206(a)(2) and 5208.

assignment. ATIS information would be available in all areas (metropolitan cities and rural areas) and to all potential end users -- including people of varying economic levels and those with physical disabilities -- whether by wireline or wireless phones. The availability of traffic, transit, and travel information will truly be universal.

A. An N11 Assignment for ATIS Information Is Consistent With the Commission's Decision to Assign 311 and 711.

It is clear that the Commission has jurisdiction to assign N11 codes for national use. In the *N11 Report and Order*, the Commission noted that, under the amendments to the Communications Act of 1934 in the Telecommunications Act of 1996, it has exclusive jurisdiction over "those portions of the North American Numbering Plan that pertain to the United States."[52] Recognizing its jurisdiction to assign N11 codes for national use, the Commission adopted in the *N11 First Report & Order* several important measures regarding abbreviated dialing arrangements. Specifically, the Commission granted a request from the U.S. Department of Justice for an N11 code that could be dialed to reach non-emergency police services by assigning 311 on a nationwide basis for this purpose.[53] It also granted a request from the National Center for Law and Deafness and Telecommunications for the Deaf, Inc. ("NCLD")

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52 47 U.S.C. § 251(e)(1). *See N11 First Report and Order*, 12 FCC Rcd at 5574.

53 In a letter dated August 26, 1996, the United States Department of Justice's Office of Community Oriented Policing Services asked that an N11 code, specifically 311, be reserved on a national basis for use by communities for non-emergency police telephone calls. The Department of Justice also suggested that the N11 code could be used to give access to other government services, at the discretion of the each jurisdiction.

for an N11 code that could be used throughout the nation to reach telecommunications relay services (TRS) by directing Bellcore to assign 711 on a nationwide basis for this use.[54]

Although the Commission has not established specific guidelines for the assignment of N11 codes, its *N11 First Report & Order* provides some guidance for discerning the basis for determining whether a national N11 assignment is justified. ITS America, AASHTO, and APTA believe that the reasoning the Commission used in supporting the assignment of 311 and 711 are applicable here.

1. Assignment of 311 for non-emergency police

In assigning 311 for national use, the Commission concluded that assignment of an N11 code for non-emergency police is in the public interest.[55] Specifically, the Commission found that use of an N11 code for access to non-emergency police services could alleviate congestion on 911 circuits, permitting more effective operation of 911 emergency services.[56] The Commission further found that the element of urgency attaching to calls to the police justified a national assignment. According to the Commission, "promoting the safety of life and property

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54 *See N11 First Report and Order*, 12 FCC Rcd at 5574-75. In the order, the Commission declined, however, to: (1) mandate that N11 numbers be made available for access to information services; (2) mandate that an N11 code be designated for access to government agencies; or (3) disturb the current allocation of various N11 codes for access to emergency services, directory assistance, and LEC repair and business offices.

55 *N11 First Report & Order*, 12 FCC Rcd at 5595.

56 *Id.*

[and] ensuring the public prompt access to emergency services is consistent with the purpose stated in Section 1 of the Act."[57]

The Commission believed that public awareness of this new N11 assignment was likely. The Commission stated: "We are also confident that local education programs will help ensure that members of communities become aware of: (1) the new non-emergency number and its primary purpose; (2) the importance of continuing to dial 911 in real emergencies; and (3) any secondary uses for the new code in the particular jurisdiction."[58] Although the Commission expressed concern that usage of 311 could result in confusion, it was convinced that local education programs in jurisdictions requesting 311 service would eventually alleviate this concern. The Commission did not believe that costs, funding, and implementation issues serve as preclusion factors for assigning an N11, particularly in a case where the benefits of an assignment (such as 311) outweigh such concerns. The Commission stated:

> While we acknowledge that many commenters raise concerns about using 311 for non-emergency police calls (citing the possibility of user confusion with 911, technical issues related to implementation, costs, funding and the potential effects on the 911 system), we find, nonetheless, that the benefits of a national N11 assignment for non-emergency calling in those communities choosing to use 311 will outweigh the implementation concerns, which are mostly addressed by local governments. This national assignment is intended to reduce the burden on 911 circuits, when needed, by providing an easy-to-remember number for such use. We realize, as the National 911 Commenters asserts, that not all 911 circuits are congested. Local governments are best suited to determine the need for relief of their 911 systems from non-emergency calling, and therefore, whether to avail themselves of the ability, made easier by this national assignment, to request 311 implementation in their respective jurisdictions.[59]

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57 *Id.*

58 *Id.* at 5595-96.

59 *Id.* at 5596-97.

ITS America, APTA, and AASHTO believe that the assignment of an N11 number for traffic, transit, and travel information is justified under the same rationale applied by the Commission in assigning 311 for national use. First, assignment of N11 for ATIS information is clearly in the public interest because it promotes public safety and transportation efficiency and reduces environmental pollutants associated with traffic congestion. An N11 number for ATIS would provide, among other things, a uniform number for information about bad weather, construction, or traffic jams that cause delays for businesses and the general public, as well as the status of public transportation in local communities. Further, an N11 number is a critical component in the continuing development and implementation of the nation's intelligent transportation system and in satisfying Congressional mandates under ISTEA and TEA-21.

Second, like 311, there is also an element of urgency for obtaining ATIS information. By directing drivers away from congestion and hazard, the number would provide better access for police, fire and medical personnel to respond to emergency situations. The general public is likely to access ATIS information in order to assess the most efficient route to take in situations where they have to drive themselves to obtain immediate medical attention (*e.g.*, to drive a sick or injured child or a pregnant woman to the hospital).

Third, assignment of an N11 number for ATIS information is not likely to result in confusion with existing national N11 assignments of 311, 711, and 911. Indeed, one of the reasons cited by U.S. DOT for a national N11 assignment is to establish an easy to remember

number that is not likely to result in caller confusion. People know when they are calling for traffic, travel, or transit information. In fact, people are already using local numbers for traffic or transit information. Therefore, a switch to a national number will not create a significant burden in educating the public. Instead, a switch to a national number will increase usage of ATIS information for the benefit of the public at large.

Fourth, the Commission did not believe that issues relating to costs, funding, and implementation serve to preclude an N11 assignment.[60] The Joint Commenters believe that these issues are better left to the judgment of local and state authorities. Further, we note that, local and state authorities have already addressed such issues in implementing ATIS and, given that experience, do not foresee that implementation and funding issues will act as barriers to rapid deployment of an N11 for traveler information services.

2. Assignment of 711 for TRS

With respect to 711, NCLD had argued that assignment of an N11 number would facilitate TRS access and thus further the goals of the Americans with Disabilities Act.[61] NCLD had also argued that variations among and within states in the TRS numbers assigned made access to the relay service confusing and difficult.[62] In addition, according to NCLD, an N11 number would significantly reduce the number of digits that must be dialed when placing a relay

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60 *Id.*

61 *Id.* at 5602.

62 *Id.*

call. Some parties had suggested that other numbers such as 555-XXXX or 1-800-XXX-XXXX could be better suited and more easily converted to TRS access.[63]

The Commission concluded, however, that assignment of 711 for TRS use is appropriate, but reserved for further comment issues relating to technical and operational capability, cost, and competition.[64] The Commission found that an N11 code, as opposed to other dialing arrangements, offered "distinct advantages to such persons for whom . . . the time on the line before reaching the called party would possibly be doubled due to the number of digits that access through an 800 number would require."[65] Further, the Commission observed that "[a] nationwide N11 code would also eliminate the current need for TRS users travelling from state to state to remember different lengthy 800 numbers for each state."[66] The Commission believed that an N11 code may significantly facilitate TRS access, thus furthering the goals of both the 1996 Act and the ADA.

The reasons provided by NCLD in requesting an N11 assignment also exist here. In requesting an N11 assignment, NCLD had argued that an N11 number would facilitate access to valuable information and further the goals of a Congressional mandate under the ADA. Similarly, an N11 assignment would facilitate travel-related information which is needed to

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63 *See id* at 5603.

64 *See id.* at 5606.

65 *Id.*

66 *Id.*

promote public safety and transportation efficiency. Additionally, it would further Congress's goals under ISTEA and TEA-21.

Similar to the problems associated with obtaining TRS services prior to the national assignment of 711, access to travel-related information requires the use of different telephone numbers, making travelers less likely to access ATIS information. A uniform N11 number, as the Commission found in assigning 711, would serve to reduce confusion and frustration over the plethora of numbers in different cities and states. Further, a nationwide N11 number is likely to promote user acceptance and encourage greater use of traveler information systems, which in turn will reduce traffic congestion and increase public safety. Thus, the advantages of an N11 assignment for TRS also apply to travel-related information.

B. An N11 Assignment for Traveler Information Serves to Promote the Commission's Objective of Public Safety and Universal Availability of Communications Services.

A national allocation would allow broad access to travel-related information in order to provide an important public benefit. N11 access would provide an immediately remembered number and universally understood access to this transportation-oriented public service. Similar to the N11 numbers that have become part of our national knowledge base (*e.g*, 411 and 911), users will soon come to understand that an abbreviated dialing code would allow access to on-demand traffic and transit information everywhere in the country. The assignment would also enhance the efficiency of existing transportation infrastructure, improve mobility, reduce traffic congestion and air pollution, help realize billions of dollars of gain in economic productivity, and allow quicker emergency incident response from public safety agencies.

ITS America, APTA, and AASHTO agree with U.S. DOT that alternatives to N11 have failed to produce the desired goal of encouraging widespread use of ATIS, and thus these systems generally have not realized their full potential impact on traffic congestion and the environment. Unfortunately, one of the most serious obstacles to greater use of these services has been the inability of the general public to recall the local telephone number, which is usually different in each city and rural area where such systems are available. An N11 assignment would alleviate these concerns.

An N11 assignment for ATIS information would be available to all members of the public: public safety personnel (*e.g.*, police, fire, and medical), businesses, and the public at large. It does not discriminate between urban and rural areas and economic levels. Further, it is not intended to benefit any particular telecommunications service or equipment: access is available to those with wireline phones, wireless phones, and rotary phones.

As demonstrated above, the assignment of an N11 number for traffic, transit, and travel information is appropriate and justified. An assignment for ATIS is in the public interest because it will promote public safety and transportation efficiency, and it is essential in implementing Congressional mandates under ISTEA and TEA-21. Furthermore, assigning an N11 number for travel-related information is consistent with the factors relied upon by the Commission in establishing a national assignment for non-emergency police calls (311) and TRS services (711).

VI. CONCLUSION

ITS America, APTA, and AASHTO strongly support U.S. DOT's Petition. The Joint Commenters concur that there is a compelling public interest and a critical need for the assignment of an N11 number for traffic, transit, and traveler information. An N11 assignment for this purpose is consistent with the Commission's continuing commitment to promote the use of communications technology to preserve public safety and transportation efficiency, and to facilitate the development and implementation of the nation's intelligent transportation system. Further, such an assignment would be consistent with Commission precedent and is justified.

As the foregoing comments demonstrate, an N11 assignment would be, by far, the most effective and fairest means for delivery of critical traveler information. Importantly, this service would be available to the entire traveling public, and not just those that subscribe to wireless or other premium information services. For these reasons, including those presented in the comments herein, the Joint Commenters urge the Commission to grant U.S. DOT's Petition.

Respectfully submitted,

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